

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER**

UNITED STATES OF AMERICA)	
)	Case No. 4:21-cr-02-03
v.)	
)	Judge Travis R. McDonough
)	
JOSHUA A. KELNHOFER)	Magistrate Judge Susan K. Lee
)	

ORDER

Magistrate Judge Susan K. Lee filed a report and recommendation recommending that the Court: (1) grant Defendant's motion to withdraw his not guilty plea as to Count One of the three-count Indictment; (2) accept Defendant's guilty plea to the lesser included offense of the charge in Count One of the Indictment, that is, conspiracy to distribute methamphetamine in violation of 21 U.S.C. §§ 846, 841(a)(1) and 841(b)(1)(C); (3) adjudicate Defendant guilty of the lesser included offense of the charge in Count One of the Indictment, that is, conspiracy to distribute methamphetamine in violation of 21 U.S.C. §§ 846, 841(a)(1) and 841(b)(1)(C); (4) defer a decision on whether to accept the plea agreement (Doc. 86) until sentencing; and (5) Defendant shall remain released on bond under appropriate conditions of release until sentencing in this matter (Doc. 98). Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with Magistrate Judge Lee's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation (Doc. 98) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not guilty plea to Count One of the three-count Indictment is **GRANTED**;
2. Defendant's plea of guilty to the lesser included offense of the charge in Count One of the Indictment, that is, conspiracy to distribute methamphetamine in violation of 21 U.S.C. §§ 846, 841(a)(1) and 841(b)(1)(C) is **ACCEPTED**;
3. Defendant is hereby **ADJUDGED** guilty of the lesser included offense of the charge in Count One of the Indictment, that is, conspiracy to distribute methamphetamine in violation of 21 U.S.C. §§ 846, 841(a)(1) and 841(b)(1)(C);
4. A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and
5. Defendant **SHALL REMAIN** on bond under appropriate conditions of release until sentencing in this matter which is scheduled to take place on **May 6, 2022 at 2:00 p.m. [EASTERN]** before the undersigned.

SO ORDERED.

/s/Travis R. McDonough

**TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE**